

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRACE WILSON MARSHALL,

Plaintiff,

v.

BENJAMIN RYAN CAUDILL,

Defendant.

No. 23-CV-1998 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On March 9, 2023, Plaintiff, proceeding *pro se*, filed the Complaint in this action, asserting claims under 18 U.S.C. §§ 241, 1204, and the Foreign Corrupt Practices Act, 15 U.S.C. §§ 78dd-1 *et seq.* On March 15, 2023, the Court ordered Plaintiff, no later than April 7, 2023, to show cause why, *inter alia*, the Court has jurisdiction over her claims. The Court advised Plaintiff that if she needs assistance with the case, she may contact the NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York to seek such assistance.

On March 29, 2023, Plaintiff filed an order to cause for a preliminary injunction and temporary restraining order enjoining Defendant from removing her minor children from the United States, asserting that this Court may issue such an order “under the UCCJEA § 204(a).”

As indicated in its March 15, 2023 letter, the Court is skeptical that it has jurisdiction over this matter, given that the relief Plaintiff seeks appears to pertain to custody of her children, and custody disputes fall within the domestic relations exception to diversity jurisdiction recognized in *Ankenbrandt v. Richards*, 504 U.S. 689 (1992)). Plaintiff has asserted no plausible basis for jurisdiction since the Court entered its March 15 order. The Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) Plaintiff cites is not a “federal law but a uniform law that has been adopted by several states ... including New York,” *Woolsey v. Mitzel*, No. 17-CV-0033 (TJM) (DEP),

2017 WL 2964060, at *2 (N.D.N.Y. June 13, 2017), *report and recommendation adopted*, No. 1:17-CV-33 (TJM) (DEP), 2017 WL 2963463 (N.D.N.Y. July 11, 2017), and does not provide this Court with a basis for jurisdiction, *see Cathey v. Harrison*, No. 116CV00545LJOMJS, 2016 WL 4494446, at *2 (E.D. Cal. Aug. 25, 2016) (“As the UCCJEA is not federal law, it does not establish a federal cause of action for subject matter jurisdiction.”). Absent jurisdiction, “the court cannot proceed at all,” nor can it provide the relief that Plaintiff seeks. *Steel Co. v. Citizens for Better Environment*, 523 U.S. 83, 94 (1998).

Accordingly, Plaintiffs application is denied without prejudice, pending a showing of why jurisdiction in this Court is proper.

SO ORDERED.

Dated: March 30, 2023
New York, New York



Ronnie Abrams
United States District Judge